

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KENKELL FRANCIS,	:	Civil No. 07-5048 (RBK)
	:	
Plaintiff,	:	
	:	
v.	:	<u>ORDER</u>
	:	
PETER J. BARNES, JR., et al.,	:	
	:	
Defendants.	:	
	:	

For the reasons set forth in the Court's Opinion filed herewith,

IT IS on this 26th day of October , 2007, hereby ORDERED
that Plaintiff's application to proceed in forma pauperis without prepayment of the \$350.00 filing fee pursuant to 28 U.S.C. § 1915(a) and (b) is hereby granted; and it is further

ORDERED that the Clerk of the Court is to file the complaint in the above-captioned action; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order and the Court's Opinion filed herewith by regular mail on Plaintiff; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and on the warden of the place of Plaintiff's confinement; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that an initial partial filing fee shall be deducted and, until the \$350.00 filing fee is paid, in each succeeding month during which the amount in Plaintiff's account exceeds \$10.00, the agency having custody of him shall assess, deduct from his account, and forward to the Clerk of the Court payments equal to 20% of the preceding month's income credited to his account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall be referenced to the civil docket number of this action; and it is further

ORDERED that Plaintiff's complaint in this action is dismissed without prejudice as premature; and it is finally

ORDERED that the Clerk shall close the Court's file for this action.

S/Robert B. Kugler

ROBERT B. KUGLER

United States District Judge